

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN COTTILLION and BEVERLY  
ELDRIDGE, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

UNITED REFINING COMPANY, UNITED  
REFINING COMPANY PENSION PLAN  
FOR SALARIED EMPLOYEES, UNITED  
REFINING COMPANY RETIREMENT  
COMMITTEE, and JOHN and MARY DOES 1  
to 10.

Defendants.

C.A. No.: 1:09-cv-00140 Erie

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS**

On November 5, 2013, the Court entered the Memorandum and Order granting Plaintiffs' Motion for Class Certification, granting Defendants' Motion for Judgment on the Pleadings, and granting, in part, Plaintiffs' Motion Proposing Final Remedy (Doc. 223), and Plaintiffs John Cottillion and Beverly Eldridge, by and through their undersigned counsel, respectfully request, pursuant to Fed. R. Civ. P. 23(h) and Fed. R. Civ. P. 54 (d) (2), that this Court award them attorneys' fees in the amount of \$ 1,605,309.25 and costs in the amount of \$44,575.94, incurred as of November 18, 2013, as the prevailing party in this class action litigation under the Employee Retirement Income Security Act ("ERISA") § 502(g)(1), 29 U.S.C.A. § 1132(g)(1).

Plaintiffs further request that the Court make the following findings of fact and conclusions of law, to be supplemented after Plaintiffs supplement the instant motion 14 days after judgment pursuant to Rule 54(d)(2):

1. Class Counsel are entitled to fees and nontaxable costs pursuant to ERISA.
2. The hourly rates Plaintiffs seek are reasonable: \$525 for Tybe A. Brett, of counsel to Feinstein, Doyle Payne & Kravec, LLC (“FDPK”); \$435 for Joel R. Hurt, a senior associate of FDPK; \$575 for Ellen M. Doyle and other senior partners of FDPK; \$490 for Pamina Ewing, a junior partner of FDPK; \$260 for Kathryn Bailey, a former associate of FDPK; \$240 for Sarah Martin, a first year associate of FDPK; and \$135 for FDPK law clerks.
3. Given the size and complexity of the case, counsel’s estimated award of approximately \$1,605,309.25 in attorneys’ fees and \$44,575.94, in costs, including expert costs, would be reasonable and proper.
4. Further proceedings concerning fees and costs may be held after Plaintiffs supplement their motion 14 days after judgment.

A memorandum of law and supporting evidence are filed herewith in support of this Motion.

Respectfully submitted,

Dated: November 19, 2013

/s/ Tybe A. Brett

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